

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:) Bankr. Case No. 10-10092
)
DANAE KRISTEN KIRSCHMAN) Adv. No. 12-
SSN/ITIN xxx-xx-1971)
) Chapter 7
) Debtor.
)
FORREST C. ALLRED, Chapter 7 Trustee,)
Plaintiff,)
)
-vs-)
)
FIRST DATA CORPORATION;) COMPLAINT
TELECHECK ACQUISITION LLC;)
TELECHECK ACQUISITION-MICHIGAN,)
LLC; TELECHECK INTERNATIONAL,)
INC.; TELECHECK PITTSBURGH/WEST)
VIRGINIA, INC.; TELECHECK)
SERVICES, INC; and TRS RECOVERY)
SERVICES, INC.)
)
Defendants.)

Forrest C. Allred, Chapter 7 Trustee, for his complaint against Defendants states and alleges:

Parties

1. Debtor filed her voluntary petition for Chapter 7 bankruptcy on April 29, 2010. Plaintiff is the duly appointed and acting trustee herein.
2. Defendant First Data Corporation is a corporation with its principal office at 5565 Glenridge Connector NE, Suite 2000, Atlanta, GA 30342, and which may properly be served with process herein by mailing the same to the address above, by first class mail, addressed to David R. Money, its Executive Vice-President and General Counsel.
3. Defendants TeleCheck Acquisition, LLC, TeleCheck Acquisition-Michigan, LLC, and TeleCheck Services, Inc., are all either corporations or limited liability companies organized and existing under that laws of the state of Delaware, and which may be served with process by first class mail through their registered agent, which in each case is Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

4. Defendant TeleCheck International, Inc., is a Georgia-incorporated corporation which may be served with process by first class mail through its registered agent, Corporation Service Company, whose address is 40 Technology Parkway South, #300, Norcross, GA 30092.
5. Defendant Telecheck Pittsburgh/West Virginia, Inc., is Pennsylvania-incorporated corporation which may be served with process by first class mail through its president, Mark S. Wallin, whose address is Suite 430, 6200 S. Quebec Street, Greenwood Village, CO 80111.
6. Defendant TRS Recovery Services, Inc., is a Colorado-incorporated corporation which may be served with process by first class mail through its registered agent, Corporation Service Company, whose address is 1560 Broadway, Suite 2090, Denver, CO 80202.
7. Defendants TeleCheck Acquisition LLC, TeleCheck Acquisition-Michigan, LLC, TeleCheck International, Inc., TeleCheck Pittsburgh/West Virginia, Inc., TeleCheck Services, Inc., and TRS Recovery Services, Inc., are all subsidiaries of Defendant First Data Corporation.

Relief Sought

8. This case arises under 28 U.S.C. §157(a), 11 U.S.C. §547, and the general order of reference entered July 27, 1984, by the United States District Court for the District of South Dakota.
9. Within the time period specified by 11 U.S.C. §547, Plaintiff voluntarily transferred to one or more of the Defendants, in three transactions, a total of \$4,000.00, under circumstances which render such transfers voidable, and recoverable by Plaintiff.
10. The transfers in question were made by direct debit to the debtor's H&R Block Emerald Card, which is a pre-paid debit card. In each case, the transferee was identified solely by name "TELECHECK."
11. Plaintiff has contact Defendant First Data Corporation, and one or more of the other Defendants, seeking to ascertain which defendants actually received the transfers in question. Said contacts included, but were not limited to, calling the phone numbers indicated next to the relevant entries on the Emerald Card statement. All defendants so contacted have failed or refused to provide any information to Plaintiff.

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, jointly and severally, in the amount of \$4,000.00, together with disbursement of this action, and that Defendants be ordered to remit to Plaintiff the amount so determined; or alternatively, should Defendants all deny receipt of said funds, that Defendants be ordered to identify the entity which received said funds.

DATED this 27th day of February, 2012.

/s/ Forrest C. Allred

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